

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT,
IN AND FOR ALACHUA COUNTY, FLORIDA

CARLOS L. HOLT

Plaintiff,

vs.

CITY OF GAINESVILLE,

Defendant.

CASE NO.: 2019 CA 4003

DIVISION:

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COMPLAINT AND DEMAND FOR JURY TRIAL

COMES NOW the Plaintiff, CARLOS L. HOLT ("Plaintiff"), by and through his undersigned counsel, and files this Complaint against Defendant, CITY OF GAINESVILLE ("Defendant"), respectfully stating unto the Court the following:

1. This is a cause of action for damages in excess of \$15,000.00.
2. At all material times, Plaintiff was a resident of Alachua County, Florida.
3. At all material times, Defendant was, and is, a local governmental entity located in Alachua County, Florida.
4. At all material times, Defendant acted through its agents, servants and employees, including Plaintiff.
5. At all material times, Plaintiff was a Florida resident, who worked in Alachua County, Florida.
6. Plaintiff is a white male, and at all material times, over the age of 40. He is a member of a protected class.
7. At all times material hereto, Plaintiff was an "Employee" of Defendant, as defined by Florida Statute Section 112.3187(3)(b).

8. At all times material hereto, the Defendant was an "Agency" as defined by Florida Statute §112.3187(3)(a). Defendant had the authority to hire and fire Plaintiff, and to receive complaints from Plaintiff similar to the ones made by Plaintiff in this lawsuit.

9. All administrative and contractual remedies, as well as all formal grievance procedures, have been exhausted, or, alternatively, no viable administrative remedies were available to Plaintiff. All other conditions precedent have been met to file this lawsuit.

10. Plaintiff reserves his right to amend this lawsuit as formal grievance procedures have been exhausted on other pending claims related to his employment with Defendant.

FACTUAL ALLEGATIONS

11. Plaintiff was hired by the Defendant in March of 2015, as the City Auditor and was employed pursuant to a written contract.

12. Pursuant to his job duties, on or about October 11, 2017, Plaintiff issued a Defendant directed investigative report regarding violations committed by then City Manager Anthony Lyons.

13. Anthony Lyons resigned as City Manager effective on or about January 18, 2019, however stayed on in an advisory capacity until mid-February 2019.

14. Beginning in early February 2019, multiple mailings were sent to various members of the public which contained personal and private information about the Plaintiff and his immediate family members.

15. Pursuant to his job duties, on or about April 18, 2019, Plaintiff issued a Defendant directed audit report regarding the Reichert House, an after-school youth program run by the City of Gainesville.

16. On June 6, 2019, Defendant terminated Plaintiff's employment by a 5-2 vote of the City Commission.

COUNT I – RETALIATORY DISCHARGE -PUBLIC SECTOR WHISTLE-BLOWER'S ACT
FLORIDA STATUTES §§ 112.3187-112.31895

17. Plaintiff realleges and incorporates the allegations set forth in paragraphs 1-16 above as if set forth herein in full.

18. Plaintiff is a person that performed services for, and under the control and direction of, or contracted with, the Defendant, for wages or other renumeration.

19. Plaintiff disclosed to Defendant, specifically the Gainesville City Commission, an investigative report substantiating violations committed by the City Manager regarding procurement and hiring issues. Subsequent to this report, Plaintiff disclosed to Defendant, specifically the Gainesville City Commission, an audit of the Reichert House that was critical of its practices.

20. The violation/conduct disclosed is a violation or suspected violation of any federal, state, or local law, rule, or regulation committed by an employee or agent of the Defendant which creates and presents a substantial and specific danger to the public's health, safety, or welfare; or the violation/conduct disclosed is an act or suspected act of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, suspected or actual Medicaid fraud or abuse, or gross neglect of duty committed by an employee or agent of the Defendant.

21. Subsequent to making the disclosures, Defendant discharged Plaintiff.

22. Plaintiff's disclosures were not made in bad faith or for a wrongful purpose, and did not occur after an agency's personnel action against the Plaintiff.

23. Defendant's conduct caused Plaintiff to suffer damages.

WHEREFORE, the Plaintiff, CARLOS L. HOLT, demands judgment for damages against the Defendant, CITY OF GAINESVILLE, for violation of Florida's Public Sector Whistle-

Blower's Act (Florida Statute §§112.3187-112.31895), including but not limited to all relief available under Florida Statute §112.3187(9), and such other relief this Court deems just and proper.

DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury of all issues so triable.

DATED this 25th day of November, 2019.

Respectfully submitted,

SCHATT, HESSER, MCGRAW

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